

**Notice of Allowability**

Application No.

10/016,794

Applicant(s)

HEEB, BEAT

Examiner

Art Unit

Hoang-Vu A Nguyen-Ba

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 11/22/04.
2. ☒ The allowed claim(s) is/are 1,3-5,7 and 11-29.
3. ☒ The drawings filed on 22 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_



**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

*Examiner's Amendment*

1. This action is responsive to amendment filed November 22, 2004.
2. Claims 1, 3-5, 7, 11-29 are allowed.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian R. Coleman, Registration No. 39,145 on March 15, 2005.

The application has been amended as follows:

In claim 29, line 3, insert – file – after “class”.

*Response to Amendment*

4. Per Applicants' request, claims 2, 6 and 8-10 have been canceled and claims 1, 3-5, 7, 11-29 have been amended.
5. The objection to the drawings is hereby withdrawn in view of Applicants' amendments to these drawings.
6. The objection to the specification is withdrawn in view of Applicants' amendment to the specification to correct a mistyped word.
7. The objection to claims 12, 13, 16, 17, 19, 25 and 26 is withdrawn in view of Applicants' amendments to these claims to correct various informalities.
8. The rejection of claims 11-29 under 35 U.S.C. § 112, second paragraph is withdrawn in view of Applicants' amendments to these claims to give proper antecedent basis to some identified terms and to clarify some identified terms that were unclear.

9. The nonstatutory double patenting rejection of claims 1, 3-5, 7, 11-29 is withdrawn in view of Applicants' filing of a proper Terminal Disclaimer.
10. The rejection of claims 1, 3-5, 7-9 under 35 U.S.C. § 102(a) as being unpatentable over the admitted prior art of Figures 1A, 1B, 2 and of pages 1-5 and 8-9 of Applicants' background is hereby withdrawn in view of Applicants' amendments to the independent claims to incorporate patentable subject matter indicated in the previous Office action dated August 31, 2004, paragraph Allowable Subject Matter.
11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style.

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

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March 16, 2005